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In re Application of

TANIGUCHI, Kiyoshi, et al.

U.S. Application No.: 09/868,894

PCT No.: PCT/JP00/00018

International Filing Date: 06 January 2000

Priority Date: 07 January 1999

Attorney's Docket No.: 210100US0PCT

For: THIOPYRAN COMPOUNDS AS INHIBITORS  
OF MMP

DECISION

This decision is issued in response to the "Response To Notice Of Missing Requirements Under 35 U.S.C. 371" filed 16 October 2001, which has been treated in part as a petition under 37 CFR 1.182 to change the name of the inventor identified in the international application as Noriko Yoshida to Noriko Mukai, the name used by this inventor in the filed declaration. Deposit Account No. 15-0030 has been charged the required petition fee.

### BACKGROUND

On 06 January 2000, applicants filed international application PCT/JP00/00018 which claimed a priority date of 07 January 1999 and which designated the United States. On 13 July 2000, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB").

On 21 July 2000, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 09 July 2001 (07 July 2001 was a Saturday).

On 05 July 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an executed declaration.

On 16 August 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) and a Notification Of A Defective Oath Or Declaration (Form PCT/DO/EO/917) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 was required, as well as a surcharge for providing the oath or declaration later than thirty months from the priority date were required.

The Notifications also informed applicants that the failure to submit these materials within two months of the date of the Notification would result in abandonment of the application. The specific problem with the filed declaration was that the inventor identified in the international application as Noriko Yoshida had executed the declaration under the name Noriko Mukai.

On 16 October 2001, applicants filed the "Response To Notice Of Missing Requirements Under 35 U.S.C. 371" considered herein. This response included the required \$130 surcharge and a declaration stating that the name of the inventor identified in the international application as Noriko Yoshida had been changed to Noriko Mukai due to marriage.

### DISCUSSION

Under M.P.E.P. Section 605.04(c), a petition to change the name of an inventor must be made under 37 CFR 1.182 and it must include the petition fee and "an affidavit signed with both names setting forth the procedure whereby the change of name was effected" or "a certified copy of the court order."

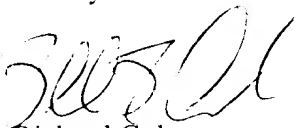
Here, based on the authorization contained in the response, Deposit Account No. 15-0030 has been charged the \$130 petition fee. The petition was accompanied by a copy of a "Declaration Of Noriko MUKAI" in which the inventor states that her name has changed because of marriage; the declaration was signed by the inventor in both her current (Noriko Mukai) and former (Noriko Yoshida) names.

Based on the above, applicants have submitted all the requirements for a grantable petition.

### CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of inventor Noriko Yoshida to Noriko Mukai is **GRANTED**. Based on this change of name, the declaration filed on 05 July 2001 is accepted.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The 35 U.S.C. 371 date is 05 July 2001.



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